Welcome from the Chairman

The Chairman congratulated David Hill and Teresa Dent on their CBE awards in the Queen's Birthday Honours list. In response to Chairman's invitation there were no declarations of interest apart from Nigel Reader's standing protocol. However during the course of the meeting declarations of interest were declared by:

- John Varley in relation to 2.4.1;
- Andy Clements and Teresa Dent in relation to 2.4.5.

Chairman was satisfied there were no conflicts of interest.

Confirmation of the May 2015 Minutes and Matters Arising (NEB M53 01)

The minutes of the May Board meeting were confirmed subject to correcting the second sentence of 4.1 to: ‘The Board noted the draft Terms of Reference and proposed membership which it noted would be agreed at the first meeting of for the
Conservation Strategy sub-group.’

**Action: Board and Executive Services to amend and produce confirmed May minutes.**

2.2 The Board noted the following updates on actions were in progress from the April and May Board meetings:

- Action 11 from April Board – Arrangements were being made for Board members to receive briefing on marine issues.
- Action 7 from May Board – A letter on Natural England’s involvement in Natural Capital Committee work had been drafted for Chairman.
- Action 10 from May Board – Energy UK had been invited to submit their feedback in writing which would then be shared with the Chairman.

**Action: Jonathan Burney to arrange for Julia Aglionby and Teresa Dent to receive briefing on marine issues.**

**Action: Alan Law to provide draft letter for Chairman to send to the Secretary of State outlining the case for Natural England to lead work on Natural Capital Accounting.**

**Action: Mel Hughes to submit written feedback from Energy UK to Chairman.**

3. **Chief Executive Report (NEB 54 01)**

3.1 James Cross introduced his report and welcomed James Diamond, Operations Director.

3.2 The Board:

3.2.1 Noted the planned reporting process for 2015/16;

3.2.2 Welcomed the Natural England 2014/15 year-end report to the Defra Board;

3.2.3 Noted the financial position as at the end of May 2015.

3.3 Paul Lambert gave an update on the Annual Report and Accounts for 2014/15 which had been signed by the Accounting Officer on 15 June 2015.

3.4 The Board received updates on issues in the horizon scan at Annex 2, and in discussion the Board:

3.4.1 Recognised how well the Area Team had handled the misinterpretation of events which had led to the petition in support of Dartmoor ponies;

3.4.2 Supported exploration of alternative funding options for NNRs;

3.4.3 Supported the preferred option for the future delivery of Catchment Sensitive Farming recognising Natural England’s excellent track record in delivering this work for Defra and the benefits it brought;

3.4.4 Agreed Nigel Reader and Joe Horwood would represent the Board on a working group to consider the Natural England Framework document which was to be brought to the July Board for approval before submission to Defra:
3.4.5 Expressed concern about the English Hen Harrier population and explored possibilities presented by the Hen Harrier Recovery Plan to improve the status of the species.

3.5 The following actions were identified from discussion of Annex 2:

**Action:** BES to circulate the Natural England Leadership event agenda and the Chief Executive’s speech to Board members.

**Action:** Alan Law to send Andy Clements a copy of the NNR draft options paper and to provide further briefing for the Board.

**Action:** Paul Lambert to bring the Natural England Framework document to the July Board after consideration by a working group involving Joe Horwood and Nigel Reader.

3.6 The Board noted Julie Lunt’s verbal update on legal issues at Annex 3, and the following action was identified:

**Action:** Julie Lunt to provide a report on the new EIA agriculture case Judicial Review to the next Board meeting

3.7 James Diamond introduced his operations update for the Southern Area Teams. The Board congratulated James Diamond on his new appointment and wished him well, and in discussion:

3.7.1 Noted updates on Area Manager recruitment; ways of working and culture; morale and resilience; and, delivery issues.

3.7.2 Recognised the role the Board had to play in supporting the development of leadership expertise in the organisation.

4. **Update on Grant in Aid Funding for 2015/16 (NEB 54 02)**

4.1 Paul Lambert introduced the update on Natural England’s response to Defra’s request of its ALBs to reduce in year funding by 5%. In discussion the Board:

4.1.1 Noted Defra’s current financial position and its impact on the Network;

4.1.2 Commended the approach in Natural England’s initial response to the proposal to reduce our budget by £5m.

4.1.3 Supported the strategy of approaching reductions through the transformation programme with reform and charging having the potential to deliver more savings than a percentage reduction in GIA which also entailed cuts to services.

4.1.4 Noted Natural England already had more stringent spending controls in place than those requested by the Secretary of State for scrutiny of expenditure.

**Action:** Paul Lambert to provide a verbal update on Grant in Aid funding for 2015/16 to the July Board.

5. **Regulatory Fitness Check – EU Nature Directives (NEB 54 03)**

5.1 Alan Law introduced this item asking the Board to hold in mind the question of how fit
for purpose the EU Directives were for conservation purposes and for wider use. Rob Cooke supported by Christina Cork gave a presentation on the European Habitats and Birds Directives and the Habitats Regulations which set the context for an update on the 2012 Implementation Review which was supported by case studies providing an opportunity for the Board to explore application of the legislation proving most challenging in practice. The final part of the presentation covered the Regulatory Fitness (REFIT) check: a periodic review by the EC of the effectiveness of Directives and set out issues for the UK and Natural England.

5.2 In discussion the Board:

5.2.1 Recognised the value of the Directives and what they had allowed to be achieved over the past 20 years through their powers to ensure sustainable development, but suggested it could now be timely to look at novel and different ways of achieving Favourable Condition Status (FCS).

5.2.2 Through exploration of the Lesser Great Black Backed Gulls issue concluded the key matter to resolve was the contribution of individual sites to FCS, for which the solution was better data to provide evidence to defend changes in populations on sites, and suggested this should be the focus rather than changes in legislation. Similarly, concerns were raised that the species protection provisions (Art 12-16) in the Directives could better be focused on conserving species populations, rather than individual specimens.

5.2.3 Noted the UK had contributed evidence to the Commission but had not yet formed a view on whether to reopen the Directives. The Board supported the next steps set out in 6.1 and 6.2 of the Government response. In conclusion the Board supported the proposed Government response, saw no overwhelming need for changes in the Directives which evidence showed were largely fit for purpose, but considered that there was more scope to improve their implementation and achievement of FCS. In particular improvements could be driven by developing a better evidence base and understanding of when species and habitats are at FCS. Some of the residual concerns around implementation of aspects of Articles 6, and 12 could be tackled by changes to European Commission and national guidance. The Board concluded that opening up the Directive’s Annexes for amendment at this stage might result in unintended consequences, and noted that there might be further scope to progress deregulation of low risk activities currently caught by the Directive.

5.2.4 Advised the assessment of the risks involved in any changes needed to be weighed up against an assessment of whether the legislation was fit for purpose to achieve Favourable Conservation Status (FCS). The Dutch and German response was noted and also that that larger businesses did not seek changes to the Directives, although some SMEs, who perhaps had fewer routine engagements with the Directives, were less relaxed.

5.2.5 Reviewed whether Natural England could achieve what was needed through changes to the Commission guidance, rather than changes to the Directives;

5.2.6 Noted the challenges involved in establishing the favourable conservation status of species, noted the potential impact of the Briels Judgement on the use of mitigation within a site, and noted the procedure when exploring alternative sites.

**Action: Julie Lunt to provide clarification on the Briels Judgement for David Hill.**
6. **Great Crested Newts (GCN) - a New Approach to European Protected Species Licensing (NEB 54 04)**

6.1 Alan Law introduced the paper which summarised a proposed new approach to GCN licensing. In response to the Chairman’s request for advice on handling the next steps, the Board:

6.1.1 Advised that it would be helpful to have prepared Questions and Answers in readiness for communicating the change;

6.1.2 Sought reassurance that the proposed changes were compliant with the Habitats Directive and noted that Counsel had been instructed with the purpose of providing enabling advice to help manage and minimise the risks;

**Action: Julie Lunt to provide details of Counsel's advice, when it is received, to add to the proposal for a new approach to GCN licensing.**

6.1.3 Advised of the need to build up a climate of support and the importance communicating this new approach in the right way, but recognised the potential impact of any resulting delays;

6.1.4 Recommended a monitoring plan at a planning level together, with genetic data, could mitigate the risk by providing information on the distribution of GCN populations and suitable habitat, and evidence of whether the new approach was successful.

6.2 The Board supported the development of a pilot or pilots to trial and test the application of the new approach to GCN licensing, recognising it was not an option to do nothing, and that this had the potential to be more productive for GCN than the current arrangements.

7. **Medium Term Strategy including SR 2015 (NEB 53 05)**


7.2 The Board noted the Defra Network Communications Capability Review and Board members were invited to indicate if they wished to contribute to Natural England’s Communications Strategy working group.

**Action: Board members to respond to Paul Lambert if they wish to contribute to a working group on the Communications Strategy.**

**Action: James Cross to keep the Board informed on the Medium Term Strategy including the SR 2015.**

8. **Environmental Stewardship Payments Update (NEB 54 06)**

8.1 Guy Thompson was joined by Andy Phillips who in introducing the update on Environmental Stewardship (ES) Payments outlined where the responsibility for different issues lay, and reported recent legal advice was that the 16 October 2015 date no longer applied to legacy schemes. The Board noted the cumulative risks to timely payments for 50,000 legacy ES agreement holders and in discussion:

8.1.1 Welcomed the design of a simple solution to pre-empt the risk identified, and supported the push for it to be accepted on the basis that the control risk was
outweighed by the customer risk of delaying payment to farmers;

8.1.2 Advised of the potential reputational damage to Natural England and the need to handle communications carefully noting the proposal to encourage Defra to take the lead

8.2 The Board approved the mitigating actions and agreed Natural England should pursue with Defra Ministers and the RPA its fall back contingency plan to enable partial ES payments to be made as early as possible within the new regulatory window and on a risk based approach.

**Action: Guy Thompson to action implementation of the contingency plan for ES payments.**

9. **Countryside Stewardship Update (NEB 54 07)**

9.1 Guy Thompson was joined by Tim De-Keyzer who gave an update on Countryside Stewardship. In discussion the Board:

9.1.1 Recognised implementing CS was an opportunity for Natural England to demonstrate what it could deliver by being outcome focussed in meeting the high level ambitions for the scheme;

9.1.2 Noted some of the risks and issues being managed with potential impact on delivery of CS had ‘red’ status but were reassured that mitigating actions were planned and there was sufficient Defra support and funding to deliver the manual work around plan;

9.1.3 Acknowledged that while there was still much to do, key milestones to date had been met, and there was a high level of confidence for delivery of technical functionality for internal users to enter applications by the end of September 2015.

9.2 The Board offered its congratulations to all involved in working on Plan B for a manual work around and still anticipating being ready for launch of CS.

**Action: Guy Thompson to keep Board sighted on current CS risks and bring a paper with a longer term view on CS to a future Board meeting.**

10. **Bovine TB Update (NEB 54 08)**

10.1 The Board noted Tim Hill’s update on Bovine TB and in seeking clarification on Natural England’s role in relation to the setting of minimum numbers of badgers to be culled, noted that Natural England set the number as the regulatory body based on the advice from the expert body, the Chief Veterinary Officer.

11. **Climate Change Risk Assessment and Adaptation Plan (2015) (NEB 54 09)**

11.1 Tim Hill was joined by Michael Morecroft who gave a short presentation setting the context for Natural England’s updated Climate Change Risk Assessment and Adaptation Plan. In discussion the Board:

11.1.1 Welcomed NESAC’s recommendation to add to the preface the opportunities natural systems presented for ‘triple wins’ for mitigation, adaptation and biodiversity conservation.

11.1.2 Received assurance that there was a detailed audit trail recording the status of actions
from the initial 2012 report;

11.1.3 Advised that the submission should include reference to the pace of delivery being governed by the availability of resources;

11.1.4 Welcomed the Climate Change vulnerability assessment tool in Countryside Stewardship and was reassured to know paper based guidance was available until the computer systems were operational.

11.2 The Board praised the report which it noted would be fed into Defra’s statutory process, and was pleased to note that use was being made of the information by presenting it in different ways for different audiences.

11.3 In conclusion the Board noted the risks climate change posed to the natural environment and Natural England’s work and agreed the submission of our adaptation plan for submission to Defra.

Action: Tim Hill to submit the final Climate Change Risk Assessment and Adaptation Plan to Defra.

12. Health Safety and Wellbeing (NEB 54 10)

12.1 Paul Lambert explained the paper did not include a quarterly update which the Board noted would be included in the report to the July Board along with an update on the HSE recommendations. However the Board was pleased to note there were no RIDOR incidents reported to date in 2015/16.

Action: Paul Lambert to present the quarter 1 Health, Safety and Wellbeing report to the July Board along with an update on the HSE recommendations.

12.2 The Board reviewed the report which it had requested to test for any correlation between sickness absence due to Mental and Behavioural Disorders (MBD) and excessive hours worked. The Board:

12.2.1 Noted the corrected table showing staff absent with MBD as a percentage of all staff working excessive hours, and Joe Horwood offered to assist with further analysis

Action: Joe Horwood to assist with further analysis of the MBD and excessive hours statistics.

12.2.2 Supported management’s encouragement for staff to record all hours worked and noted that staff were getting better at doing this.

12.2.3 Queried why staff were saying there was no evidence of harassment and bullying when the staff survey statistics demonstrated otherwise and noted management were following this up.

12.2.4 Noted ARAC would be monitoring and reviewing the status of the management actions from the consultants’ review of Health, Safety and Wellbeing.


13.1 Chairman explained that he had asked for this item to be included on the agenda to both explore whether there might be another way of delivering Natural England’s responsibility to be consulted over these appointments, and to provide Board members
with the opportunity to assess the time commitment in the context of their other responsibilities.

13.2 In response to Chairman’s invitation Board members who had been involved in previous rounds reported benefits included: strengthening relationships with an important strategic partner and the role they could play as panel chairs in ensuring standards were met. They advised that they could not see how they could discharge the responsibility as a third party. Provided the posts were well advertised, and there was a good officer sift and Independent Panel Member they offered to be involved in the 2015/16 round which was accepted gratefully by the Chairman.

13.3 Those Board members who had not been involved before had some reservations about the time commitment, and although prepared to contribute their share, noted the Chief Executive Officer’s and Chief Legal Officer’s advice that they could choose to discharge their responsibilities through the Scheme of Delegation by delegating the process to the relevant Area Manager. Board Members wishing to do this should advise BES in the first instance so that the necessary governance audit trail can be put in place.

Action: BES to finalise the allocation of areas for the 2015/16 SoS appointments in consultation with Board members.

14. Audit and Risk Assurance Committee (ARAC) Update

14.1 Nigel Reader gave a verbal update on the ARAC meeting held on 15 June 2015. He was grateful for Joe Horwood’s attendance to ensure the Committee was quorate and welcomed participation of senior managers as part of their development. The focus of the meeting had been the consideration of the Annual Report and Accounts for 2014/15. Having taken account of the necessary sources of assurance with which the Accounting Officer had been content, the treatment of the impairment for £5.3m for Bolton Fell Moss, and the NAO’s intention to issue an unqualified audit certificate, the Committee has recommended the Annual Report and Accounts for signature by the Accounting Officer.

14.2 The Board noted ARAC had recommended income generation should receive particular attention from risk management and possible inclusion in the Strategic Risk Register.

14.3 The Chairman thanked the ARAC Chair and asked for a message to be sent from the Board to thank the Finance Team who had produced the Annual Report and Accounts.

Action: Paul Lambert to pass on the Board’s thanks to the Finance Team for the successful completion of the Annual Report and Accounts.

15. Board Innovation Group (BIG) Update (NEB 54 12)

15.1 David Hill reported BIG was gaining traction and that at its next meeting it would be reviewing its pipeline of future business; discussing the four key reform issues, and reviewing operations and delivery with a view to bringing more polished and thought through proposals to the Board.

16. Natural England Science Advisory Committee Update (NEB 54 13)

16.1 There were no questions from the Board on the formal paper and unconfirmed minutes of the last NESAC meeting on which Andy Clements had given a verbal report to the
last Board meeting.

17. Upland Working Group (NEB 54 14)

17.1 Julia Aglionby introduced the paper which asked the Board to advise on the timing and manner of the publication of the Review of Upland Evidence Conservation Recommendations Assurance Report and the associated Conservation Recommendations.

17.2 James Cross set the context by reiterating the importance of the outcomes approach which was fundamental for culture change and would define our relationship with partners. That the strategic approach as set out in the Blanket Bog Restoration Strategy would form the foundation of the focus and communications of the approach to staff and partners, with links to appropriate evidence. This would include the Review of Upland Evidence conservation recommendations which along with other evidence documents would be held on the Natural England Evidence website. In addition the Conservation Recommendations would benefit from the addition of practical case studies to provide a fuller view of experiences. This process was expected to happen over the summer and publication would follow thereafter.

17.3 In discussion the Board:

17.3.1 Was reassured by the proposal to set the documents in a contextual framework and give real examples as outlined to allow the Upland Evidence recommendations to be applied within practical limitations.

17.3.2 Agreed that getting people to work in the right way could not be achieved by written guidance alone and needed to be supported by workshops and should not be rushed;

17.3.3 Congratulated Natural England in producing the Review of Upland Evidence which focussed on peer reviewed literature and formed the basis for an increased level of trust with moor owners and practitioners.

17.3.4 Stressed the importance of getting the evidence into practice in a way that was both constructive and led to real conservation practice and saw the publication as a reference point but not the complete answer to the journey Natural England was on with practitioners, and in leadership of its staff.

17.4 In conclusion there was clear consensus for the proposal suggested by James Cross.

Action: Guy Thompson to carry out the approach set out at paragraph 17.2.

Action: Julia Aglionby to bring a paper to the July Board on the general working of the Upland Working Group.

18. Conservation Strategy Sub Group Update (NEB 54 15)

18.1 Teresa Dent reported on the Conservation Strategy Sub Group’s first meeting held on 15 July 2015 at which it had agreed its Terms of reference and defined its purpose and scope to be summarised as ‘reversing biodiversity loss’.

18.2 The Board approved the final Terms of Reference which were to be reviewed annually, defined it as an advisory group to the Board, and additionally included Caroline Cotterell as a member.
18.3 The Board noted Teresa Dent would be consulting David Hill and Andy Clements to agree how this Sub Group fitted with NESAC and BIG’s work.

**Action: Teresa Dent to consult David Hill and Andy Clements to agree how this Sub Group fitted with NESAC and BIG’s work**

19. **Board Diary (NEB 54 16)**

19.1 The Board agreed the Minister, Rory Stewart MP should be invited to join the Board for dinner before the July 2015 Board meeting.

**Action: Private Office to issue an invitation to the Minister to meet the Board.**

19.2 The Board agreed changes in dates for 2015: 28 October moved to 4 November and 25 November moved to 2 December.

19.3 The Board agreed the request for an open session to accommodate the confirmation of Bolton Fell and Walton Mosses SSSI (on 4 November 2015).

19.4 The Board noted amended dates for 2016 Board meetings would be circulated following final approval by the Chairman.

**Action: BES to remind Board members of changes in October and November 2015 dates and to circulate amended dates for 2016 Board meetings.**

20. **Any Other Business**

20.1 The allocation of Board members to Sub-group, National and Area Teams was tabled and the Board accepted the proposals. Guidance was requested by Board Members regarding how best to carry out their roles.

**Action: James Cross to arrange for guidance to be provided to Board members on how best to carry out their roles**

### Actions log

<table>
<thead>
<tr>
<th>No</th>
<th>Agenda Item/Paper</th>
<th>Ref</th>
<th>Action</th>
<th>Owner</th>
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<tbody>
<tr>
<td>1</td>
<td>Confirmation of the May 2015 Board Briefing Minutes and matters Arising (NEB M53 01)</td>
<td>2.1</td>
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